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II. DISCUSSION

Fed. R. Civ. P. 54(d)(1) provides that “[u]nless a federal statute, these rules, or a court order provides otherwise, costs—other than attorney’s fees—should be allowed to the prevailing party.” Whether to award costs is within the discretion of the district court. *See V-Formation Inc. v. Benetton Group SpA*, No. 01 Civ. 00610, 2003 WL 21403326, at *2 (S.D.N.Y. June 17, 2003). However, federal courts have no authority to award costs in excess of statutory limits. *Crawford Fitting Co. v. J. T. Gibbons, Inc.*, 482 U.S. 437, 445 (1987).

The Supreme Court has interpreted the word “costs” in Rule 54(d)(1) to mean only those categories of costs enumerated in 28 U.S.C. § 1920. *See id.* at 441. Those categories are the following: (1) fees of the clerk and marshal; (2) fees of the court reporter for all or any part of the stenographic transcript necessarily obtained for use in the case; (3) fees and disbursements for printing and witnesses; (4) fees for exemplification and copies of papers necessarily obtained for use in the case; (5) docket fees pursuant to 28 U.S.C. § 1923; and (6) compensation of court appointed experts, compensation of interpreters, and salaries, fees, expenses, and costs of special interpretation services pursuant to 28 U.S.C. § 1828. 28 U.S.C. § 1920.

Local Civil Rule 54.1 limits the costs awardable in this district. Local Civil Rule 54.1(c)(2) permits an award of costs for “the original transcript of a deposition, and one copy,” if the deposition was received into evidence at trial or used by the court in deciding a dispositive motion. Local Civil Rule 54.1(c)(5) permits an award of costs for a copy of an exhibit if the original was not available and the copy was used or received into evidence, but the cost of copies made for the convenience of counsel or the court is not allowed.

Here, Defendants seek costs in the amount of \$1,557.10. This amount includes \$1,176.60 for the original transcript of Plaintiff’s deposition and two copies. *See Profeta Decl. Ex. C* (Five Star Reporting, Inc. invoice). Because Local Civil Rule 54.1(c)(2) permits an award of costs for only the original transcript and one copy, Defendants are not entitled to the cost of the second copy and the total amount must be reduced by one-third, to equal \$784.40 (*i.e.*, \$1,176.60 minus \$392.20). *See Karmel v. City of New York*, No. 00 Civ. 09063, 2008 WL216929, at *4 (S.D.N.Y. Jan. 9, 2008) (reducing by one-third the cost of deposition transcripts where two copies were made). Defendants are entitled to the court reporter’s fees in the amount of \$75, pursuant to 28 U.S.C. § 1920(2). *See Profeta Decl. Ex. C* (Five Star Reporting, Inc. invoice).

Defendants also apply for costs in the amount of \$305.50 for the reproduction of

audiotapes made in response to Plaintiff's discovery requests. Profeta Decl. Ex. D (International Video Services, Inc. invoice). They are not entitled to this amount because Local Civil Rule 54.1(c)(5) does not permit an award of costs for copies made for the convenience of counsel, as here.

Therefore, the total amount of costs to which Defendants are entitled is \$859.40, for the original and one copy of Plaintiff's deposition transcript and the court reporter's fees.

IV. CONCLUSION

For the foregoing reasons, Defendants are awarded costs against Plaintiff in the amount of \$859.40. The Clerk of the Court is instructed to close this matter and remove it from my docket.

IT IS SO ORDERED.

New York, New York
August 21, 2008



U.S.D.J.